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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,908	08/09/2006	Piero Armani	06159-PCT-PA (0030.0565)	9746
72468 7590 10/06/2008 HODES, PESSIN & KATZ, P.A. 901 DULANEY VALLY ROAD, SUITE 400 BALTIMORE, MD 21204				
EXAMINER				
PRICE, CARL D				
ART UNIT		PAPER NUMBER		
3749				
MAIL DATE		DELIVERY MODE		
10/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/588,908

**Applicant(s)**

ARMANNI, PIERO

**Examiner**

Carl D. Price

**Art Unit**

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/05/2006 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### Specification

The disclosure is objected to because of the following informalities:

On page 1, patent number "6,322,460" should be -- 6,332,460 --.

Appropriate correction is required.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, claim 1 recites the limitation "the upper inlet"; "the bottom of the body"; "the nozzle (5)"; "the flat flange (9a)"; "the top of the partition walls (9)", etc.. There is insufficient antecedent basis for these limitations in the claim.

Claim 4, recites the limitation "it" comprises a V-shaped deflector wall (10). There is insufficient antecedent basis for this limitation in the claim.

All of the claims should be reviewed for similar informalities.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by **US 6325619 (Dane)**.

**US 6325619 (Dane)** shows and discloses a double burner for gas cookers, of the type provided with multiple concentric flame crowns, which comprises one head () with multiple concentric flame crowns including;

- one circular body (2) that contains partitions used to define two different (29), not-communicating channels used to supply gas to the crowns of external flames (114) and one channel (30, 42) is used to supply gas to the central flames (112);
- two separate, not-communicating gas inlets (4, 83) situated on a bottom (1) of the body used to supply gas to the aforementioned channels;
- an upper inlet (7, 75, 83) exactly ending in the centre of the body and the lower inlet (4, 6) going beyond the centre;
- a vertical channel (100) branches off from the upper inlet (75), which is provided with the first gas nozzle (7) designed to introduce gas into the central channel that supplies the central flames (112);
- while a diverging pair of ascending channels (29) branches off from the lower inlet, which is provided with nozzles (6) designed to introduce gas into the channel (48A) that supplies the external flames (114);
- a Venturi chamber () with vertical axis is situated downstream the nozzle (7);
- a pair of Venturi chambers (29) with vertically inclined axis is situated downstream the pair of nozzles (6).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-5**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **US 6325619 (Dane)** in view of **US 5401164 (Yen)**.

**US 6325619 (Dane)** further shows and discloses:

- the head is composed of a lower dish (2A) and an upper dish (3);
- the lower dish (2A) has a truncated conical shape and a stepped external border (91) that acts as support and centering for the upper dish (3), which is provided with a stepped perimeter collar and finds a second support and centering in a flat flange (94) situated at the top of the partition walls that protrude from the centre of the body; and
- a V-shaped deflector wall (35) on the lower dish situated downstream the chambers to bifurcation of the air-gas flow;

**US 6325619 (Dane)** shows and discloses the invention substantially as set forth in the claims with possible exception to:

- the lower dish (2A) has a truncated conical shape;
- the dish (8) is provided with toothed crowns (12); and
- a hole for the central fuel feed supply body starts from the upper gas inlet, moves up and ends in the coaxial channel with the nozzle and additionally characterized by the fact that the upper conduit is blocked with regard to the lower feed passage.

**US 5401164 (Yen)** teaches, from applicant's same burner field of endeavor, a lower dish (31) has a truncated conical shape for directing spillage away from the burner base, and a toothed flame port forming crown (331). **US 5401164 (Yen)** shows a hole (242) for the central fuel feed supply body starts from the upper gas inlet (22), moves up and ends in the coaxial channel (321) with the nozzle (25) and additionally characterized by the fact that the upper conduit (22) is blocked with regard to the lower feed passage (21), in view of the teaching of **US 5401164 (Yen)**.

In regard to claims 2-3, for the purpose of spillage away from the burner base, it would have been obvious to a person having ordinary skill in the art to burner lower ring of **US 6325619 (Dane)** to have a truncated conical shape, in view of the teaching of **US 5401164 (Yen)**.

In regard to claims 5 and 6, for the purpose of providing a suitable alternative flame port structure for each of the burner sections, it would have been obvious to a person having ordinary skill in the art to modify each of the burner ports of **US 6325619 (Dane)** to include a toothed flame port forming crowns, in view of the teaching of **US 5401164 (Yen)**.

In regard to claim 7, for the purpose of providing an alternate support structure for the upper and lower fuel passages, it would have been obvious to a person having ordinary skill in the art to modify the burner support of **US 6325619 (Dane)** such that “a hole with vertical axis on the body in central position that starts from the lower gas inlet, moves up and ends in the coaxial channel with the and additionally characterized by the fact that the upper conduit is blocked in the presence of the hole”, in view of the teaching of **US 5401164 (Yen)**.

#### **Conclusion**

See the attached USPTO for, 892 for prior art made of record and not relied upon which is considered pertinent to applicant's disclosure.

#### **USPTO CUSTOMER CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl D. Price whose telephone number is (571) 272-4880. The examiner can normally be reached on Monday through Friday between 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl D. Price/

Primary Examiner, Art Unit 3749

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